

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

Chunhong Jia, *et al.*,

Plaintiffs,

v.

Case No. 1:18cv85

Gary Chan, *et al.*,

Judge Barrett

Defendants.

**ORDER**

This matter is before the Court on Plaintiffs' Motion for an Ex Parte Temporary Restraining Order ("TRO"). (Doc. 2). On February 2, 2018, the Court reviewed Plaintiff's motion and, for good cause shown, granted Plaintiff's Motion for a TRO. (Doc. 14). The TRO was amended on February 14, 2018 (Doc. 21), and has since been extended multiple times (*see* Docs. 27, 30, 39).

On June 8, 2018, Plaintiffs moved to extend the TRO against defendants Gary Chan, Boardwalk Fries Opportunities, L.P., BWF MGMT, LLC, Boardwalk Fries, LLC, Jardin Hill, LLC, Archway Partners, LLC, and Clearwater Hospitality Group, LLC. (collectively, "Defendants"). The Court reviewed Plaintiff's oral motion and, for good cause shown, hereby **GRANTS** Plaintiffs' oral motion to modify the TRO. (*See* Docs. 2, 21, 27, 30, 39). The Court finds that: (1) Plaintiffs will be immediately and irreparably harmed if defendants are not enjoined; (2) Plaintiffs have demonstrated a strong likelihood of success on the merits of their claims; (3) that all requirements of Fed. R. Civ. P. 65 have been satisfied; and (4) in order to prevent irreparable harm, Plaintiffs' motion should be, and hereby is, **GRANTED**.

It is therefore **ORDERED** that the following funds, accounts, and assets are **FROZEN** and may not be moved, spent, pledged, concealed, hypothecated, or negotiated: all funds, accounts, and other assets (a) in which Defendants, or any of them, have an ownership interest; (b) that are held in the name of any of the said Defendants; or, (c) that are held for the benefit of any of the said Defendants, including through corporations, trusts, partnerships, agents, nominees, friends, or relatives. This includes any bank accounts at General Electric Credit Union, PNC Bank, NA, and First Financial Bank, and escrow accounts in Plaintiffs' names at U.S. Bank, NA (collectively, the "Accounts").

It is further **ORDERED** that personal funds, accounts, and assets belonging to Gary Chan, individually or jointly with others, are **FROZEN** and may not be moved, spent, pledged, concealed, hypothecated, or negotiated. Despite this asset freeze, Gary Chan is permitted to spend no more than \$5,000 per month on necessary living expenses. Gary Chan is also permitted to spend funds to retain bankruptcy counsel, and must notify the Court if he files a bankruptcy petition.

It is further **ORDERED** that Defendants, and their officers, agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission or otherwise, are **HEREBY RESTRAINED** from directly or indirectly transferring, selling, encumbering, receiving, changing, pledging, assigning, liquidating, incurring debt upon (such as credit card debt), or otherwise disposing of, or withdrawing, any funds from the Accounts.

It is further **ORDERED** that General Electric Credit Union, PNC Bank, NA, First Financial Bank, and U.S. Bank, NA, that receive actual notice of this Order or of the terms of the

asset freeze provisions contained herein, by personal service, mail facsimile transmission or others, shall hold and retain within its control and prohibit the withdrawal, removal, transfer, disposition, pledge, encumbrance, assignment, set off, sale, liquidation, dissipation, concealment, or other disposal of any such funds or assets, and shall notify the Court and counsel for the Plaintiffs of the existence, nature, and amount of any such funds or assets.

It is further **ORDERED** that Defendant Gary Chan shall identify every bank account, escrow account, and investment account he maintains, individually or jointly, and shall notify counsel for the Plaintiff of the existence, nature, and the amount of any such funds or assets maintained in each account.

This Order is issued without bond.

This order shall expire on July 31, 2018, unless extended by the Court.

**It is SO ORDERED.**

/s/ Michael R. Barrett

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MICHAEL R. BARRETT  
UNITED STATES DISTRICT JUDGE